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SEC

SERVICE DATE - OCTOBER 11, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33740 (Sub-No. 1)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY – PETITION  
FOR DETERMINATION OF COMPENSATION AND OTHER TERMS

Decided: October 10, 2001

In a decision in this proceeding, served June 22, 2001, the Board determined that The Burlington Northern and Santa Fe Railway Company (BNSF) has a right under 49 U.S.C. 10901(d) to cross approximately 1,500 feet of trackage in Keokuk, IA, owned by the Keokuk Junction Railway Company (KJRY).<sup>1</sup> On July 23, 2001, BNSF filed a petition asking the Board to establish compensation and other terms for that crossing. KJRY replied on August 7, 2001.

By decision served on September 12, 2001, the Board assigned Administrative Law Judge Joseph Nacy of the Federal Energy Regulatory Commission to mediate negotiations between the parties for 30 days. The parties met with Judge Nacy on October 3, 2001. In light of that meeting, it is evident that additional time will be necessary for further negotiation. Therefore, the mediation period will be extended for an additional 30 days.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The mediation period is extended for 30 days from the service date of this decision.
2. A copy of this decision will be sent to Judge Joseph Nacy at the Federal Energy Regulatory Commission, Office of Administrative Law Judges, 888 1st Street, NW, Room 11F-25, Washington, DC 20426.

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<sup>1</sup> KJRY recently filed a petition for judicial review of that decision in the United States Court of Appeals for the District of Columbia Circuit. Keokuk Junction Ry. v. Surface Transp. Bd., No. 01-1305 (D.C. Cir. filed July 11, 2001).

3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary